

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Allan B. Merklinger, Jr.
Nan V. Merklinger**

Debtor(s)

Case No.:

14-29239

Judge:

Kathryn C. Ferguson, CUSBJ

Chapter:

13

SECOND MODIFIED CHAPTER 13 PLAN AND MOTIONS (REVISED)

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 8/12/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay **\$200.00 Monthly** to the Chapter 13 Trustee, starting on October 1, 2014 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property
Description:
Proposed date for completion: _____
- ☒ Loan modification with respect to mortgage encumbering property
Description: **27 Carolyn Rd**
Little Silver, NJ
Proposed date for completion: **12/31/2016**

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☒ Other information that may be important relating to the payment and length of plan:
Adequate protection payments to mortgagees shall be made pending the loan modifications.

Part 2: Adequate Protection

- a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ **300.00 monthly** to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to **Builders General Supply Co** (creditor).
- c. Adequate protection payments will be made in the amount of \$ **1,500.00 monthly** to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to **Specialized Loan Servicing LLC** (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	43,666.49

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

- 1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Bluegreen Resorts Management Inc.	biennial floating red week interval interest: 1/104 undivided interest in Unit 2003X in The Atlantic Palace Condominium, Atlantic City, NJ	750.00	0.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
Arrearage claims of mortgagees Specialized Loan Servicing LLC and Builders General Supply Co to be cured through loan modifications	27 Carolyn Rd Little Silver, NJ	100% of arrearage claim to be paid through loan modifications.

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ Not less than _____ percent

 X *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.
Date of Plan being modified:.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Debtors' real estate did not sell within the time prescribed by the prior confirmed plans, notwithstanding their continued reduction in asking price and aggressive marketing. Debtors now seek to maintain ownership and cure defaults to mortgagees by way of loan modifications.	Home sale provision deleted. Plan provides for curing of default on mortgages by way of loan modifications.
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date August 15, 2016 /s/ Warren Brumel, Esq.
Warren Brumel, Esq. WB3626
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 15, 2016 /s/ Allan B. Merklinger, Jr.
Allan B. Merklinger, Jr.
Debtor

Date: August 15, 2016 /s/ Nan V. Merklinger
Nan V. Merklinger
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Allan B. Merklinger, Jr.
 Nan V. Merklinger
 Debtors

Case No. 14-29239-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 23

Date Rcvd: Aug 17, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 19, 2016.

db/jdb +Allan B. Merklinger, Jr., Nan V. Merklinger, 27 Carolyn Road,
 Little Silver, NJ 07739-1501
 aty +Peter Lucas, Lucas & McGoughran, 725 Carol Ave., PO Box 490, Oakhurst, NJ 07755-0490
 cr +Steward Financial Services, c/o Stark & Stark, 401 Route 73 North, Suite 130,
 Marlton, NJ 08053-3428
 515057945 Bluegreen Resorts Management Inc., PO Box 630980, Cincinnati, OH 45263-0980
 515057946 +Bluegreen Vacations Inc., 4960 Conference Way North, Ste 100, Boca Raton, FL 33431-4413
 515057947 +Builders General Supply Co., 15 Sycamore Ave, Little Silver, NJ 07739-1200
 515138379 +Builders General Supply Co., Peter Lucas, Esq., 725 Carol Ave., POB 490,
 Oakhurst, NJ 07755-0490
 515057948 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank, PO Box 85015, Richmond, VA 23285-5075)
 515057949 Chase Bank, NA, PO Box 94014, Palatine, IL 60094-4014
 515057950 +Deutsche Bank Natl Trust Co, 3476 Stateview Blvd, Fort Mill, SC 29715-7203
 515057956 +JG Tax Group, 1430 S Federal Hwy 301, Deerfield Beach, FL 33441-7244
 515057955 +Jamison & Jamison, 788 Shrewsbury Ave, Bldg 2 Suite 2212, Eatontown, NJ 07724-3080
 515057958 Pinnacle Recovery Inc., PO Box 130848, Carlsbad, CA 92013-0848
 515140325 +SPECIALIZED LOAN SERVICING LLC, 8742 LUCENT BLVD, SUITE 300,
 HIGHLANDS RANCH, COLORADO 80129-2386
 515057960 Zucker Goldberg & Ackerman, 200 Sheffield Street #301, PO Box 1024,
 Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 17 2016 23:12:23 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Aug 17 2016 23:12:22 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515057953 E-mail/Text: cio.bncmail@irs.gov Aug 17 2016 23:12:02 Internal Revenue Service,
 4 Paragon Way, Freehold, NJ 07728
 515057951 +E-mail/Text: EBN_Notifications@OWB.com Aug 17 2016 23:12:17 IndyMac Mortgage Services,
 6900 Beatrice Drive, Kalamazoo, MI 49009-9559
 515228925 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 23:07:10
 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541
 515228924 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 23:19:53
 Portfolio Recovery Associates, LLC, c/o Capital One/HSBC, POB 41067, Norfolk VA 23541
 515057959 +E-mail/Text: jchrist@stewardfs.com Aug 17 2016 23:12:27 Steward Financial Services,
 PO Box 39, Maple Shade, NJ 08052-0039
 515305868 E-mail/PDF: gecsed@recoverycorp.com Aug 17 2016 23:07:51 Synchrony Bank,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515118010* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
 515057952* Internal Revenue Service, Insolvency Unit, PO Box 744, Springfield, NJ 07081
 515057954* Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346,
 Philadelphia, PA 19101-7346
 515057957 ##+OneWest Bank FSB, 1 Banting, Irvine, CA 92618-3601

TOTALS: 0, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 19, 2016

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 23

Date Rcvd: Aug 17, 2016

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 15, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Joel A. Ackerman on behalf of Creditor Deutsche Bank National Trust Company, as Trustee of the Home Equity Mortgage Loan Asset-Backed Trust Series INABS 2005-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series INABS 2005-B under jackerman@zuckergoldberg.com
John L. Laskey on behalf of Creditor Steward Financial Services jlaskey@stark-stark.com
Joshua I. Goldman on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series INABS 2005-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series INABS 2005-B to BTS jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Warren Brumel on behalf of Joint Debtor Nan V. Merklinger wbrumel@keyportlaw.com, BrumelLawECF@gmail.com
Warren Brumel on behalf of Debtor Allan B. Merklinger, Jr. wbrumel@keyportlaw.com, BrumelLawECF@gmail.com

TOTAL: 7